

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:09cv383**

|                                     |   |                     |
|-------------------------------------|---|---------------------|
| <b>UNITED STATES OF AMERICA,</b>    | ) |                     |
|                                     | ) |                     |
| <b>Plaintiff,</b>                   | ) |                     |
|                                     | ) |                     |
| <b>vs.</b>                          | ) | <b><u>ORDER</u></b> |
|                                     | ) |                     |
| <b>\$40,000.00 in UNITED STATES</b> | ) |                     |
| <b>CURRENCY,</b>                    | ) |                     |
|                                     | ) |                     |
| <b>Defendant.</b>                   | ) |                     |
| <hr/>                               | ) |                     |

**THIS MATTER** is before the Court on the Renewed Motion to Dismiss of the claimant, Elliott David Morris [Doc. 9].

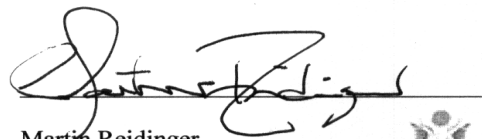
Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell was designated to consider this Motion and to submit recommendations for its disposition. On May 11, 2010, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 11] in which he recommended denying the motion to dismiss. The parties were advised that any objections to the Magistrate Judge's conclusions and recommendations were to be filed in writing within fourteen days of service of the

Recommendation and that failure to file objections to the Memorandum and Recommendation would preclude the parties from raising any objection on appeal. [Doc. 11, at 10]. The period within which to file objections expired on May 28, 2010 and no written objections to the Memorandum and Recommendation have been filed.

The Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation.

**IT IS, THEREFORE, ORDERED** that the Renewed Motion to Dismiss of the claimant, Elliott David Morris [Doc. 9] is hereby **DENIED**.

Signed: June 5, 2010

  
Martin Reidinger  
United States District Judge

